

**MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL AND COMMUNITY REDEVELOPMENT AGENCY
OF THE CITY OF SOUTH PASADENA
CONVENED THIS 16TH DAY OF FEBRUARY, 2011 7:40 P.M.
AMEDEE O. "DICK" RICHARDS, JR., COUNCIL CHAMBERS
1424 MISSION STREET**

ROLL CALL

Mayor Ten convened the open session of the regular meeting of the City Council and the Community Redevelopment Agency (CRA) at 7:40 p.m. City Clerk/CRA Secretary Kilby called the roll. City Councilmembers/CRA Members present: Putnam (arriving at 7:42), Schneider, and Sifuentes; Mayor Pro Tem/ CRA Vice Chair Cacciotti; and Mayor/CRA Chair Ten. Members absent: None. Other officials present: City Manager/CRA Executive Director Davidson; City Attorney/CRA Counsel Adams; Assistant City Manager Gonzalez; Police Chief Payne; Fire Chief Wallace; Finance Director Thai; Assistant Finance Director Batt; Community Services Director Pautsch; Public Works Director Sweeney; Planning and Building Director Watkins; Transportation Manager Woods; Senior Planner Mayer; City Clerk/CRA Secretary Kilby; and Deputy City Clerk Khjian. DMR Team Consultant/Water Project Manager Wolitarsky was also present.

**CLOSED SESSION
ANNOUNCEMENTS**

City Attorney Adams reported that Mayor Ten convened the regular meeting of the City Council and the Community Redevelopment Agency at approximately 6:30 p.m. There was one member of the public providing public comment on items on the agenda, he said, and all members of the City Council were present. Prior to recessing into Closed Session, he said the Council considered adding a late item to the agenda as an urgent item. That is allowed pursuant to Government Code Section 54954.2(b)(2), he said, if it can be shown that the item came up after the posting of the agenda and that it required immediate attention. Both findings were made by the Council, he said, and it was added to the agenda by a unanimous vote of the City Council. The item was conference with legal counsel on anticipated litigation concerning a claim that Los Angeles County made against the City as well as 57 other cities in the case Natural Resources Defense Council, Inc., et al., v. County of Los Angeles et al. The Council recessed the meeting into

Closed Session to discuss that item and a second item, labor negotiations. With regard to the added item, he said, this was allowed into Closed Session pursuant to Government Code Section 54956.9(b). He said that he provided the City Council with a report concerning the claim and a request by Los Angeles County to enter into an extension of the tolling agreement, which he said will expire March 12, 2011. The City Council voted unanimously to enter into that tolling agreement, he said, in that this matter is on appeal before the 9th Circuit Court of Appeals. The extension will go to March 12, 2013, the City Attorney said, and the Council authorized him to execute that agreement. That completes the report on action taken by the City Council on that item, he said. Regarding labor negotiations, he said, this item is allowed into Closed Session pursuant to Government Code Section 54957.6, regarding the following employee organizations: Firefighters' Association (FFA); Battalion Chiefs' Association (BC); Police Officers' Association (POA); Public Service Employees' Association (PSEA); PSEA- Part Time Unit; and Management Employees. He said the City negotiators were Special Counsel Richard Kreisler, City Manager John Davidson, and Assistant City Manager Sergio Gonzalez. The City negotiators provided a report to the City Council, he said, and the City Council discussed the matter. The City Council did not complete its discussion, he said, and will go back into Closed Session later this evening to finish discussions of this item. No decisions were reached, he said, during Closed Session, and therefore there is nothing further to report.

**INVOCATION/PLEDGE OF
ALLEGIANCE**

Councilmember Putnam offered the invocation and led the Pledge of Allegiance.

**PRESENTATION OF
CERTIFICATES OF
APPRECIATION TO
OUTGOING
COMMISSIONERS**

Mayor Ten presented Certificates of Appreciation to outgoing commissioners. He presented a Certificate of Appreciation to Ernie Arnold for seven years of volunteer service on the Community Redevelopment Commission; and to Christopher Glaeser and Kristine Kwong for two years of volunteer service on the Transportation Commission. He said that Certificates will be sent to those who could not attend: to Robert Joe, Joanne Nuckols, and John Vandercook for twelve years of volunteer service as community representatives on the South Pasadena Design Advisory

Group; and to William Sherman and Dan Evans for two years of volunteer service on the Transportation Commission.

**PRESENTATION BY THE
SOUTH PASADENA ARTS
COUNCIL**

Howard Spector and Margo Newman, Co-Directors of the South Pasadena Arts Council (SPArC), made a presentation to the City Council. They requested that the City designate the Arts Council as the official Arts Council of the City. This would provide SPArC with increased credibility and respect within the City and business community; and would assist in fundraising efforts, Mr. Spector said. He provided a history of the organization and described its mission. Ms. Newman described the group's partnerships and successful volunteer-driven events.

Councilmember Schneider, seconded by Mayor Pro Tem Cacciotti, requested that consideration to designate the South Pasadena Arts Council as the City's official Arts Council be added to a future agenda.

**FAIR OAKS AVENUE
CORRIDOR
IMPROVEMENT PROJECT
UPDATE**

Public Works Director Sweeney presented the Fair Oaks Avenue Corridor Improvement Project update, accompanied by PowerPoint slides. He said Fair Oaks will be repaved between Monterey Road and Columbia; medians will be installed with landscaping or colored concrete; new street lights and banner poles will be installed; and curb bulbouts and bike routes will be added. Drought-tolerant plantings will be selected, he said. The project should be completed in August 2011, he said. He responded to questions. Mayor Pro Tem Cacciotti made remarks and said that on Sunday, business was good on Fair Oaks. Mayor Ten provided history of funding for the project.

**ANNOUNCEMENTS OF
EVENTS**

City Manager Davidson announced a Special Meeting of the Community Redevelopment Commission, 02/23/11, to review developer presentations for the downtown project. He announced a Metro meeting that will be held 02/23/11 at the High School on the proposed 710 freeway extension/tunnel.

Councilmember Schneider announced that Metro is holding six meetings in the area on the 710 freeway extension, and that the public is welcome to attend and ask questions about what is being done in the

scoping process and environmental process. He announced and described the Library's strategic planning process.

**MAYOR'S APPOINTMENTS/
REAPPOINTMENTS**

Ernie Arnold

By voice vote (5 ayes), the City Council appointed Ernie Arnold to serve a three-year term on the Freeway and Transportation Commission until 12/31/13.

(Putnam, Sifuentes)

**ITEMS REMOVED FROM
THE CONSENT CALENDAR
FOR SEPARATE
CONSIDERATION**

Mayor Pro Tem Cacciotti requested that Item #11, Garfield Reservoir, be removed from the Consent Calendar for separate consideration. Councilmember Putnam requested that Item #12, agreement with Los Angeles County; and Item #13, long-term energy efficiency strategic plan grant, be removed. Mayor Ten said that these items will be taken up later on the agenda.

**APPROVAL OF THE
MINUTES OF THE SPECIAL
MEETING OF JANUARY 29,
2011, AND THE REGULAR
MEETING OF FEBRUARY 2,
2011**

By roll call vote (5 ayes), the City Council approved the minutes of the Special City Council meeting of January 29, 2011; and the City Council and the City Council seated as the Community Redevelopment Agency (CRA) Board approved the minutes of the regular meeting of February 2, 2011.

(Putnam, Cacciotti)

**APPROVAL OF PREPAID
WARRANTS IN THE
AMOUNT OF \$488,192.01
GENERAL CITY
WARRANTS IN THE
AMOUNT OF \$288,076.16
AND PAYROLL IN THE
AMOUNT OF \$439.052**

By roll call vote (5 ayes), the City Council approved Prepaid Warrants #166521-166560; General City Warrants #166561-166740; and payroll 02-04-11, a total of \$1,215,320.17. Seated as the Community Redevelopment Agency (CRA), they approved the CRA Warrants totaling \$7,111.96, which are included in the above total.

(Putnam, Cacciotti)

**SECOND READING AND
ADOPTION OF
ORDINANCE NO. 2217
AMENDING SOUTH
PASADENA MUNICIPAL
CODE CHAPTER 17
ARTICLE I TO ENHANCE
CURRENT PUBLIC HEALTH**

By roll call vote (5 ayes), the City Council read by title for second reading, waiving further reading, and adopted Ordinance No. 2217, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA, CALIFORNIA, AMENDING SECTIONS 17.2-1 (FOOD OFFICIAL INSPECTION REPORT), 17.2-2 (GRADING AND LETTER GRADE CARD), 17.2-3 (INSPECTION SCORE CARD) AND

**REQUIREMENTS FOR
INSPECTION GRADING
AND POSTING OF LETTER
GRADES TO INCLUDE
MOBILE FOOD FACILITIES**

17.2-3 (POSTING REQUIREMENTS) OF ARTICLE I (HEALTH CODE) OF CHAPTER 17 (HEALTH AND SANITATION) OF THE SOUTH PASADENA MUNICIPAL CODE, RELATING TO INSPECTION GRADING AND LETTER GRADES TO INCLUDE MOBILE FOOD FACILITIES IN ACCORDANCE WITH THE LOS ANGELES COUNTY CODE.

(Putnam, Cacciotti)

**REQUEST BY COUNCIL-
MEMBER SCHNEIDER TO
DESIGNATE \$500 OF DIS-
CRETIONARY FUND
ALLOCATIONS TOWARDS
SHUTTLE TRANSPOR-
TATION FOR THE 2011
ECLECTIC MUSIC
FESTIVAL & ART WALK**

By roll call vote (5 ayes), the City Council approved designating \$500 of Councilmember Schneider's FY 2010-11 discretionary fund allocations towards shuttle transportation for the 2011 Eclectic Music Festival & Art Walk.

(Putnam, Cacciotti)

**APPROVAL OF A CHANGE
ORDER TO BSN
CONSTRUCTION INC. FOR
THE WATER
SERVICE/METER
REPLACEMENT PROJECT**

By roll call vote (5 ayes), the City Council approved the proposed change order in a not-to-exceed amount of \$14,564 to BSN Construction, Inc., for the Water Service/Meter Replacement Project.

(Putnam, Cacciotti)

**MONTHLY INVESTMENT
REPORTS FOR DECEMBER
2010**

By roll call vote (5 ayes), the City Council, and the City Council seated as the Community Redevelopment Agency (CRA), approved to receive and file the monthly investment reports for December 2010.

(Putnam, Cacciotti)

**RECEIVE AND FILE FY
2011/12 BUDGET SCHEDULE**

By roll call vote (5 ayes), the City Council approved to receive and file the FY 2011-12 budget schedule.

(Putnam, Cacciotti)

**PUBLIC COMMENTS
Downtown revitalization,
Rialto Theatre**

Robert Wagner, no address stated, spoke about parking and revitalization of the downtown area. He said this is the only city in the San Gabriel Valley without municipal parking on the east and west sides of the business districts. He requested that the City Council look into this. In regard to the Rialto Theatre, he suggested that the City appoint a commission to create a nonprofit organization and initiate eminent

domain. He described how a renovated theatre could benefit the community. He raised the issue of the need for low density, high quality businesses. He offered to work on the project.

Traffic-control procedures

Alan Ehrlich, 1633 Maple Street, spoke about traffic-control procedures at a signaled intersection when the signal is inoperative. He said the signal did not work at Fair Oaks and Huntington this morning, and that traffic was backed up significantly.

Mayor Pro Tem Cacciotti requested that staff address this issue. City Manager Davidson said that this would be discussed at the management debriefing meeting 02/17/11. Mayor Ten requested that this be addressed at the next City Council meeting.

Sewer issues

Debby Garey, 626 Garfield Avenue, expressed concern about the sewer system. She said the odor is overwhelming on Garfield Avenue, causing some neighbors to move. She asked why the City has a third-world sewage system. Mayor Pro Tem Cacciotti responded. Mayor Ten said staff will follow up.

PUBLIC HEARING ON WATER RATES

Mayor Ten announced that regarding protest letters for the water rate hearing, protests will be accepted until the end of tonight's hearing. He said that the letter must contain the address or parcel number, the owner's signature, and verbiage stating opposition.

ACTION ITEMS AND ITEMS PULLED FROM CONSENT CALENDAR:

FIRST READING AND INTRODUCTION OF AN ORDINANCE TO AMEND THE MUNICIPAL CODE REGARDING PENALTIES FOR VIOLATIONS OF THE TREE ORDINANCE

Mayor Ten opened the public hearing on the proposed ordinance regarding penalties for violations of the tree ordinance. He said there were no comment cards for this item. Due to several factors, he requested that this item be continued.

By voice vote (5 ayes), the City Council continued the item to consider the first reading of an ordinance to amend the Municipal Code regarding penalties for violations of the tree ordinance to the City Council meeting of March 2, 2011.

(Putnam, Cacciotti)

**PUBLIC HEARING ON
WATER RATE INCREASE,
FIRST READING AND
INTRODUCTION OF AN
ORDINANCE TO
ESTABLISH WATER
RATES, AND ADOPTION OF
URGENCY ORDINANCE NO.
2218 TO ESTABLISH
WATER RATES EFFECTIVE
MARCH 1, 2011**

Finance Director Thai presented the staff report on the proposed water rate increase, accompanied by PowerPoint slides. He said consultants from Raftelis were available to answer questions. He responded to questions. He displayed the rates on the overhead projector. He said that a brochure distributed earlier contained errors and said that the rates will actually be higher than stated; he displayed the corrected brochure.

Mayor Ten opened the public hearing and stated that two minutes will be allowed each speaker.

Speakers expressing opposition to the proposed water rate increase were Marlene Hubbard, 1931 Leman Street; Harold Mgrublian, 1600 Indiana Avenue; Brandy Guenveur, 1142 Meridian Avenue; Suzanne Conant Cordova, 1720 Gillette Crescent Street; Sue Hitchcock, 1010 Kendall Avenue; Herb Barnes, 1844 Monterey Road; Ernie Arnold, 1230 Oak Hill Avenue; Patrick Pandolfi, 300 Garfield Avenue; Debbie Eller, 402 El Centro Street, #18, who said she represents the Wisteria Estates Homeowners' Association; Angel McGaha, 620 Indiana Terrace; Ed Shrader, 1177 Monterey Road; and Steve Garcia, 501 Prospect Avenue. Many of the speakers objected to the noticing process and the method of voting. Many agreed that the infrastructure needs repair and that water conservation is necessary. Several spoke about the impact of the rate increase on those living on fixed incomes. Some spoke about their landscaping and its substantial needs for water. Several made suggestions pertinent to water usage and the rate increase.

Richard Gutschow, 1618 Laurel Street, said he is not opposed to the water rate increase but objects to charging more for larger-sized meters.

Waynna Kato, 1036 Hope Street, agreed that the rates must be raised but objected to decisions that were made prematurely without proper education or lead time.

Harry Knapp, 417 El Centro Street, agreed that the rates must be increased but opposed the current formulation of the rates.

Speakers expressing support for the proposed water rate increase were Bill Kelly, 1852 Oxley Street, Member, Water Council and Natural Resources and Environmental Commission; Kim Hughes, 1956 Huntington Drive, Member, Water Council and Natural Resources and Environmental Commission; Diana Mahmud, no address stated, Chair, Water Council, and Member, Natural Resources and Environmental Commission; Carl Marziali, 1960 Stratford Avenue; Gretchen Robinette, 921 Indiana Avenue, who said she is speaking on behalf of Women Involved in South Pasadena Political Action; Al Benzoni, 1617 Monterey Road; Bianca Richards, 1115 Oxley Street; and Tuncer Toprakci, 2053 Edgewood Drive, who suggested that a new study be conducted to determine charges after 2011.

Speakers also asked questions, provided related comments, and made suggestions to the City Council.

Questions and discussion followed. Finance Director Thai and Raftelis consultant Sudhir Pardiwala responded to questions about meter size, water bonds, and related issues.

Former Mayor/speaker Knapp and Public Works Director Sweeney responded to questions about the origination of and reason for the meter charge. Discussion continued on this topic. City Attorney Adams noted that only a tiered rate structure could be voted on, not a flat-rate structure. Councilmember Putnam said that the proposed rate should be adopted for only one year, with consideration for adopting the water budgeting model after that.

Mayor Ten requested that the City Clerk's Office report on protest letters received. Deputy City Clerk Kbjian reported that 275 verified protest letters were submitted, which she said is manifestly less than the required protest letters (3,334) to constitute 50% of the parcels.

Discussion and questions continued, with responses provided by City Attorney Adams, Finance Director Thai, and consultant Pardiwala. Mayor Pro Tem Cacciotti provided a history of the City's water system and discussed how the City and Community Re-

development Agency borrowed from the water fund over the years; he displayed reports of fund transfers on the overhead projector. He displayed large mounted photographs of the City's decaying water system.

Councilmember Schneider made a motion to adopt staff recommendations to introduce for first reading an ordinance and to adopt an urgency ordinance for a one-year tiered water rate increase (identical to the motion that follows that was revoted), seconded by Councilmember Sifuentes. The motion received a vote of 3 ayes (Councilmember Sifuentes, Councilmember Schneider, and Mayor Pro Tem Cacciotti) and 2 noes (Councilmember Putnam and Mayor Ten). City Attorney Adams noted that the vote on the urgency ordinance would fail without a 4/5 vote.

Mayor Pro Tem Cacciotti made a motion to retake the vote, seconded by Councilmember Schneider. There was consensus to revote.

By roll call vote (4 ayes; 1 no, Councilmember Putnam), the City Council approved adopting the proposed and noticed tiered water rate structure for a year and determined that the Council would agree to consider a shift to a water budget model for setting water rates in the near future that would apply, if adopted, thereafter. The City Council read by title only, waiving further reading, and introduced AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA, CALIFORNIA, ESTABLISHING WATER RATES PURSUANT TO SECTION 35.3, 35.4, 35.5 AND 35.6 OF CHAPTER 35 OF THE SOUTH PASADENA MUNICIPAL CODE; and read by title only, waiving further reading, and adopted Ordinance No. 2218, AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA, CALIFORNIA, ESTABLISHING WATER RATES PURSUANT TO SECTION 35.3, 35.4, 35.5 AND 35.6 OF CHAPTER 35 OF THE SOUTH PASADENA MUNICIPAL CODE, with one change in both proposed ordinances to limit the rate increase to 2011 instead of for five years.

(Schneider, Sifuentes)

**AUTHORIZATION TO
ENTER INTO AN
AGREEMENT WITH
KENNEDY/JENKS
CONSULTANTS FOR FINAL
DESIGN SERVICES FOR
GARFIELD RESERVOIR**

Public Works Director Sweeney presented the staff report on the proposed agreement with Kennedy/Jenks Consultants for final design services for Garfield Reservoir.

Councilmember Putnam left the dais briefly to meet with City Attorney Adams on a question of potential conflict of interest. They both returned.

Mayor Pro Tem Cacciotti requested that staff investigate rebuilding part or all of the Yards facility at the north end of the Garfield Reservoir site. Public Works Director Sweeney and Water Project Manager Wolitarsky responded. Mayor Pro Tem Cacciotti requested that staff return with an overlay of the Yards site that burned (to include the size), and information about the use of the site prior to the fire and replacement needs.

By roll call vote (5 ayes), the City Council authorized the City Manager to execute an agreement with Kennedy/Jenks Consultants for a not-to-exceed amount of \$464,995 to provide final engineering design services for Garfield Reservoir. They directed staff to work with the consultants and Project Manager Wolitarsky to determine the feasibility of adding a Yards facility and parking to the north end of the reservoir site and to return to the City Council with recommendations and a plan at the regular City Council meeting meeting of March 16, 2011.

(Sifuentes, Ten)

**APPROVAL OF A GENERAL
SERVICES AGREEMENT
WITH THE COUNTY OF
LOS ANGELES**

Councilmember Putnam asked questions about the proposed agreement with the County of Los Angeles, responded to by Public Works Director Sweeney. Councilmember Sifuentes left the dais.

RESOLUTION NO. 7148

By roll call vote (4 ayes; 1 absent, Councilmember Sifuentes), the City Council approved Resolution No. 7148, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA, CALIFORNIA, AUTHORIZING RENEWAL OF A FIVE (5) YEAR GENERAL SERVICES CONTRACT WITH THE COUNTY OF LOS ANGELES.

(Cacciotti, Ten)

**AUTHORIZE CITY
MANAGER TO EXECUTE A
MEMORANDUM OF
UNDERSTANDING FOR
THE SOUTHERN
CALIFORNIA EDISON
CALIFORNIA LONG-TERM
ENERGY EFFICIENCY
STRATEGIC PLAN GRANT**

Councilmember Putnam, who asked that this item to authorize the City Manager to execute a Memorandum of Understanding for the Southern California Edison California Long-term Energy Efficiency Strategic Plan Grant be removed from the Consent Calendar for separate consideration, said that he would be able to have his questions answered offline. Due to the late hour, this item was postponed to the next meeting.

**DIRECTION ON THE FAIR
OAKS AVENUE / SR-110
INTERCHANGE PROJECT**

Due to the late hour, this item was postponed to the next meeting.

**DISCUSSION REGARDING
THE IMPACTS RELATED
TO GOVERNOR BROWN'S
PROPOSAL TO ELIMINATE
REDEVELOPMENT AGEN-
CIES AND OPTIONS TO
PROTECT SOUTH PASA-
DENA REDEVELOPMENT
AGENCY FUNDS**

Due to the late hour, this item was postponed to the next meeting.

**DIRECTION REGARDING
EXPANDING THE FAÇADE
IMPROVEMENT PROGRAM
TO THE COMMERCIAL
STRIP ON FAIR OAKS
AVENUE BETWEEN OXLEY
STREET AND MISSION
STREET**

Due to the late hour, this item was postponed to the next meeting.

**DIRECTION REGARDING
ESTABLISHMENT OF A
HOUSING AUTHORITY**

Due to the late hour, this item was postponed to the next meeting.

**2010 UNIVERSAL CRIME
REPORT FOR PART ONE
CRIME**

Due to the late hour, this item was postponed to the next meeting.

**PUBLIC COMMENTS
(CONTINUED)**

There were no members of the public wanting to provide public comment.

**COUNCILMEMBERS'
COMMENTS, CITY MANA-
GER COMMUNICATIONS**


There were no comments or communications.

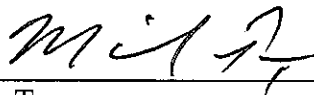
**RECESS TO CLOSED
SESSION**

By consensus, the City Council recessed at 11:11 p.m. to Closed Session.

**REPORT OUT AND
ADJOURNMENT**

City Attorney Adams said the City Council discussed labor negotiations, allowed into Closed Session pursuant to Government Code Section 54957.6, regarding the following Employee organizations: Firefighters' Association (FFA); Battalion Chiefs' Association (BC); Police Officers' Association (POA); Public Service Employees' Association (PSEA); PSEA-Part Time Unit; and Management Employees. He said the City negotiators were Special Counsel Richard Kreisler, City Manager John Davidson, and Assistant City Manager Sergio Gonzalez. The City negotiators provided a further report to the City Council, City Attorney Adams said, and the City Council discussed the matter and provided direction to the City negotiators. No action was taken, he said, and the meeting adjourned at 12:10 a.m. 02/17/11.


Sally Kilby
City Clerk
CRA Secretary


Mike Ten
Mayor
Chair, CRA